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**SEP 23 2005**

**OFFICE OF PETITIONS**

In re Application of	:	
Jimmy A. PARKS et al.	:	
Application No. 10/645,284	:	DECISION ON PETITION
Filed: August 21, 2003	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 2370.ACTI.NP	:	

This is a decision on the petition under 37 CFR § 1.78(a)(6), filed May 23, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed application set forth in the first sentence of the specification.

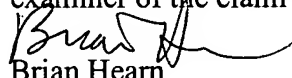
An amendment to the first sentence of the specification following the title to correct a reference to the prior-filed application was filed April 19, 2004.

The claim for priority under 37 CFR § 1.78(a)(6) was included in the first sentence of the specification; however, the filing date given in the first sentence of the specification was incorrect. The Office correctly noted the claim for priority including the correct filing date of the provisional application, as shown by its inclusion on the filing receipt. Therefore, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted within the time period set forth in 37 CFR § 1.78(a)(5)(ii).

Therefore, the petition is unnecessary and is **DISMISSED AS INVOLVING A MOOT ISSUE.**

Any questions concerning this decision on petition may be directed to David Bucci at (571) 272-7099. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the Examiner of Technology Center AU 3641 for appropriate action on the amendment filed **April 19, 2004**, including consideration by the examiner of the claim under 35 U.S.C. § 119(e) for benefit of the prior-filed applications.

  
Brian Hearn  
Petitions Examiner  
Office of Petitions